

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 1:23-cv-22376-KMW-LMR

THE SMILEY COMPANY SPRL,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

/

PLAINTIFF’S MOTION TO UNSEAL

Plaintiff, The Smiley Company SPRL (“Smiley” or “Plaintiff”), by and through its undersigned counsel, hereby moves this Court for an Order unsealing all documents that have been restricted/sealed from the Court docket and returning all portions of the Court file to the public records. As grounds therefore, Plaintiff states:

1. On June 28, 2023, Plaintiff filed its Ex Parte Motion for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (the “Ex Parte Motion for TRO”) [ECF No. 6], together with the supporting Declarations and Exhibits, pursuant to Local Rule 5.4(d), which requires, unless the Court directs otherwise, ex parte filings be restricted from public view. That same day Plaintiff also filed its Ex Parte Motion for Order Authorizing Alternate Service of Process on Defendants (the “Ex Parte Motion for Alternate Service”) [ECF No. 7].

2. On July 10, 2023, Magistrate Judge Reid entered a Report and Recommendation

on Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order [ECF No. 11] ("R&R on TRO"), and on July 31, 2023 the Court entered a Sealed Order [ECF No. 14] affirming and adopting the R&R, and entering a temporary restraining order "against all entities included in Plaintiff's Schedule A as set forth in the Report (DE 11), effectively making the R&R a Temporary Restraining Order (the R&R also the "Sealed Temporary Restraining Order"). A Sealed Order Authorizing Alternative Service of Process (the "Sealed Alternate Service Order") [ECF No. 12] was also granted on July 10, 2023. Upon receipt, Plaintiff served the Sealed Temporary Restraining Order on the requisite financial institutions to restrain Defendants' financial accounts at issue.

3. Plaintiff confirmed the restraints of Defendants' accounts and has served the Complaint [1], Summons [16], the R&R/Sealed Temporary Restraining Order [11], Sealed Order [14]: (1) emailing a copy of those documents to the to the e-mail accounts provided by the e-commerce platform associated with each of the Seller IDs along with a link to the service website set forth below, and (2) by posting a copy of those documents and all other documents filed in this matter at the service website <https://www.dropbox.com/scl/fo/ftazryndvzffe6xefmbdx/h?dl=0&rlkey=5c3ljw0geo5yfxfruk1srrsz5>. See Proof of Service, [ECF No. 28].

4. As a seal on this matter is no longer required, Plaintiff respectfully requests this matter be unsealed and the portions of the docket relating to Plaintiff's *Ex Parte* Motion for TRO, together with all other documents that have been restricted from the Court docket, be returned to the public portions of the Court file.

WHEREFORE, Plaintiff respectfully requests this Court issue an Order unsealing all documents filed with the Court that have been restricted from the Court docket and direct the Clerk to return those portions of the Court file to the public records.

Date: August 15, 2023

Respectfully submitted by,

Javier Sobrado

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